

The Board of Adjustment of the City of Seabrook met on Monday, April 3, 2023 at 6:00 p.m. in the Seabrook City Hall, Council Chambers to discuss, consider, and if appropriate, take action with respect to the agenda items listed below.

THOSE PRESENT WERE:

SUE THOMEY	CHAIRMAN
MICHELE GLASER	VICE-CHAIR
EDELMIRO MUNIZ	MEMBER
TIN NGO (unexc. absence)	MEMBER
TERRY MOORE	MEMBER
MICHAEL BLAND (unexc. absence)	ALTERNATE MEMBER 1
GLEN HALBISON	ALTERNATE MEMBER 2
JOHN HIGHTOWER	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE COORDINATOR

Sue Thomey called the meeting to order at 6:00 p.m.

Voting members for tonight's meeting are Sue Thomey, Michele Glaser, Terry Moore, Ed Muniz, and Glen Halbison.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None

2.0 SPECIFIC PUBLIC HEARING

2.1 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations F. "Lot Size", minimum size of lot (7,500) seventy-five hundred square feet requirements; and H. "Lot Depth", minimum lot depth (90) ninety feet requirement.

Owner: Edmund Home Builders LLC, 1002 Willow Vale Drive, Seabrook, TX 77586

Applicant: Darrell Weigelt, 1002 Willow Vale Drive, Seabrook, TX 77586

Legal Description: 2102 Todville Road, Seabrook, TX 77586

Lots 6 & 7, Block 2 of Edgewater Townhomes, and addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 302, Page 132 of the Map Records of Harris County, Texas.

Location: This property is located east Todville Road, north of Muecke Road (9th Street), south of Hammer Street, and west of East Galveston Bay.

Open Public Hearing at 6:01 p.m.

Sean Landis Presentation:

- Applicant's request to re-plat the property with the following variances:
- Reduce the required minimum "lot size" area from 7500 square feet to 5586 square feet and reduce the minimum "lot depth" of a parcel from 90' to 73.50'.
- Hurricane Ike destroyed previous townhouses that were at this property.
- Currently there is no allowance for townhouses. Lost grandfathering after hurricane Ike.

Public Comments:

- Rob Heverly – longtime resident of Seabrook – likes the vacant property but is also fine with housing being there, as long as it meets all the zoning for R-1. Has no objection to the applicant's request. As long as all the setbacks are met.
- Darrell Weigelt – applicant - two story normal homes – 2600 square feet – would like to get it approved – long time seabrook resident

Close Public Hearing at 6:15 p.m.

3.0 NEW BUSINESS

3.1 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.03 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations F. "Lot Size", minimum size of lot (7,500) seventy-five hundred square feet requirements; and H. "Lot Depth", minimum lot depth (90) ninety feet requirement.

VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:

- A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.**

Applicant's Answer: Requesting a variance to build a single family dwelling on 2 lots that was designated for townhouse use. The townhouses that occupied the platted lots were destroyed during hurricane Ike in 2008.

We find accordingly

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Glen Halbison

Nays: none

Abstain: none

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

Applicant's Answer: Current zoning setbacks do not allow for construction of 2 townhouses on that location.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Glen Halbison

Nays: none

Abstain: none

C. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant's Answer: The townhouses that were occupying lots were destroyed during hurricane Ike 2008. Requesting a variance to build on buildable area, based on replatting as a single lot with application of current zoning setbacks.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Glen Halbison

Nays: none

Abstain: none

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Applicant's Answer: Replat as single lot less Lot #5 on survey.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Glen Halbison

Nays: none

Abstain: none

E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

Applicant's Answer: Current zoning setbacks do not allow for construction of 2 townhouses on that location. Thus the reason to request replatting to a single lot.

We find accordingly, for the reasons expressed herein:

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Glen Halbison

Nays: none

Abstain: none

VARIANCE APPROVED FOR REQUEST

3.2 Conduct a training session as it relates to the Seabrook City Code, Appendix A, "Comprehensive Zoning", Article 12, "Enforcement".

Sean Landis Presentation:

- Article 12. Enforcement

Provides: If it is determined that a permit holder is found to be in noncompliance with the provisions of the city's zoning ordinance as it relates to certificate of occupancy, conditional use permits, planned unit development, and variances, a permit to operate may be suspended or revoked.

Notice:

Notice of the permit suspension or revocation is required to be sent to the permit holder by certified mail, return receipt requested.

- Appeals:

12.05.01 An appeal of a suspension order, revocation order, or cease and desist order, may be made to the director of administration [city manager] or designee, by any person aggrieved, by giving written notice no later than three days after the order has either been received by certified mail or posted on the property.

The notice shall state:

A. The name and address of the person making the appeal;

B. The facts surrounding the particular case;

C. The nature of the suspension or revocation order or the cease and desist order; and

D. The reason or reasons why the ruling should be set aside.

- Director of administration [City Manager] to hear appeal:

The director of administration [City Manager] shall hear the appeal, together with any technical testimony presented on behalf of the appellant and that of the city no later than ten calendar days after the appeal has been filed. The director of administration [City Manager] shall either affirm or reverse the decision appealed, no later than seven days after the hearing. The appellant shall receive written notice of the decision accompanied by a statement of reasons supporting the decision.

- Appeal of hearing decision to board of adjustment:

Appeal of the director of administration's [City Manager's] decision may be made by any aggrieved party to the board of adjustment. The appellant shall give written notice to the board of adjustment in the manner provided in subsection 12.05.01.

The notice shall state:

A. The name and address of the person making the appeal;

B. The facts surrounding the particular case;

C. The nature of the suspension or revocation order or the cease and desist order; and

D. The reason or reasons why the ruling should be set aside.

- Board of Adjustment to hear appeal:

The board of adjustment shall hear the appeal following the receipt of the notice of the appeal, and shall affirm or reverse the decision of the director of administration [City Manager].

- Board of Adjustments:
In exercising its authority set out in this ordinance and in conformity with the provisions of Texas law, the board may reverse or affirm, in whole or in part the Directors of Administration [City Manager], decision, or determination from which an appeal is taken and may correct the order, requirement, decision, or determination. The concurring vote of four members shall be necessary to:
 - A. Reverse any order, requirement, decision or determination of the Directors of Administration [City Manager];
 - B. Decide in favor of an applicant on a matter on which the board is required to pass under the terms of this ordinance
- Hearing Protocol
 - 1. The BOA Chair will read in to the record the agenda item.
 - 2. The BOA Chair or Board Secretary will swear in all who wish to provide testimony to include all city staff members.
 - 3. City staff will provide an official report to open the hearing.
 - 4. The BOA will hear testimony from the appellant.
 - 5. The BOA will hear testimony from the city.
 - 6. BOA may ask questions of both the city and appellant.
All questions should be relevant to the appeal of the City Managers decision and should not be an attempt to resolve the identified violations.
 - 7. The BOA will deliberate and provide their finding.
- Hearing Protocol
The concurring vote of four members shall be necessary to:
 - A. Reverse any order, requirement, decision or determination of the Directors of Administration [City Manager].
 - B. Decide in favor of an applicant.

4.0 ROUTINE BUSINESS

4.1 Approve the minutes from the January 9, 2023 BOA meeting.

Motion was made by Terry Moore and seconded by Ed Muniz.

Approve the minutes as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

5.0 EXECUTIVE SESSION

5.1 Section 551.071

Conduct a Closed Executive Session to consult with the City Attorney on legal matters regarding responsibilities under Article 12 of the City of Seabrook Code of Ordinances.

The executive session was not needed.

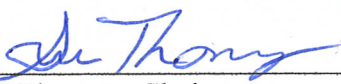
6.0 OPEN SESSION

6.1 The Board of Adjustments will reconvene in open session to allow for possible action on the agenda items listed above under "Executive Session".

The open session was not needed.

Meeting adjourned at 6:49 p.m.

APPROVED THIS 24TH DAY OF April, 2023


Sue Thomey, Chairman


Pat Patel, Administrative Coordinator